

MAR 12 2015

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA,
MAUI FOR SEAWALL ENCROACHMENT PURPOSES.

1 WHEREAS, the Board of Land and Natural Resources approved
2 the request of Paul D. Gossman, as trustee of the Paul D.
3 Gossman Residence Trust Dated December 18, 2008, for a term,
4 non-exclusive easement over a portion of state-owned land
5 located in Lahaina, Maui, on August 9, 2013, under agenda item
6 D-10; and
7

8 WHEREAS, the seaward boundary of the Paul D. Gossman
9 Residence Trust property fronts the ocean and a seawall
10 straddles the seaward boundary of the Paul D. Gossman Residence
11 Trust property and submerged public land, which is state owned
12 and identified by tax key map number (2)4-5-003, seaward of
13 parcel 026. A portion of the seawall encroaches into the state-
14 owned submerged land; and
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16 WHEREAS, the area of the seawall comprising approximately
17 two hundred sixty square feet has encroached on state-owned
18 submerged land prior to 1974; and
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20 WHEREAS, the character of the use of the easement is the
21 right, privilege, and authority to use, maintain, repair,
22 replace, and remove the existing seawall over, under, and across
23 state-owned land; and
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25 WHEREAS, the easement term is for fifty-five years in
26 consideration for a one-time payment to be determined by
27 independent appraisal establishing a fair market rent, subject
28 to review and approval by the Chairperson of the Board of Land
29 and Natural Resources; and
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31 WHEREAS, pursuant to section 171-53(c), Hawaii Revised
32 Statutes, the Board of Land and Natural Resources, with the



S.C.R. NO. 81

1 approval of the Governor and the prior authorization of the
2 Legislature by concurrent resolution, may lease state submerged
3 lands and lands beneath tidal waves; now, therefore,

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5 BE IT RESOLVED by the Senate of the Twenty-eighth
6 Legislature of the State of Hawaii, Regular Session of 2015, the
7 House of Representatives concurring, that the fifty-five year
8 term for a non-exclusive easement to Paul D. Gossman as trustee
9 of the Paul D. Gossman Residence Trust Dated December 18, 2008,
10 for seawall encroachment purposes, is hereby authorized by the
11 Legislature according to the terms and conditions approved by
12 the Board of Land and Natural Resources on August 9, 2013; and

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14 BE IT FURTHER RESOLVED that certified copies of this
15 Concurrent Resolution be transmitted to the Governor and
16 Chairperson of the Board of Land and Natural Resources.

17
18
19 OFFERED BY:

Paul D. Gossman
DC. Gossman
Alan Gossman

